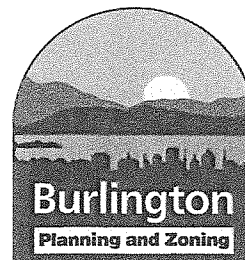


Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
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David White, AICP, Director
Ken Lerner, Assistant Director
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Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: April 16, 2013
RE: 13-0839CA/CU; 2 Lori Lane

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. **THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RL Ward: 7

Owner/Applicant: Sefko & Kata Pobric

Request: Construct new double garage with living space for new accessory apartment.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is seeking approval to construct a new attached garage and accessory apartment in place of a smaller existing garage. Some minor related site improvements are also proposed including a new walkway and removal of an existing front yard parking space.

Previous zoning actions for this property are noted below.

- 10/8/03, Approval to construct mudroom entry, rear addition, deck, and relocate pool
- 5/24/00, Approval to install swimming pool and deck
- 2/3/90, Approval to construct attached garage
- 7/2/87, Approval to install swimming pool

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(a) Conditional Use Review Standards

(1) The capacity of existing or planned community facilities;

The proposed accessory dwelling unit will be served by municipal water and sewer service. Adequate capacity is available; however, a wastewater permit from the State of Vermont will be required. **(Affirmative finding as conditioned)**

(2) The character of the area affected;

The subject neighborhood is comprised largely of detached single family homes and a handful of duplexes. Accessory dwelling units are allowed in association with single family homes throughout the city. As required, the proposed accessory dwelling unit is relatively small and is clearly secondary to the primary residence on the subject property. As proposed, the accessory dwelling unit simply reads as part of a larger attached garage addition. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

No traffic information has been provided; however, anticipated traffic impacts are minimal. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, the activity complies with all applicable zoning bylaws. **(Affirmative finding)**

(5) Utilization of renewable energy resources;

No utilization of renewable energy resources is evident in the project plans; however, as proposed, the accessory dwelling unit will have no adverse impact on the potential utilization of such energy onsite or on neighboring properties. **(Affirmative finding)**

(6) Cumulative impacts of the proposed use;

The subject property is located in the RL zone wherein residential use is permitted. Per this criterion, cumulative impacts shall be deemed negligible. **(Affirmative finding)**

(7) Functional family;

Accessory apartments by definition are limited to 1-bedroom or studio units. While the functional family limitations of this criterion apply, the occupancy restrictions of no more than two adult occupants for an accessory apartment are more stringent. **(Affirmative finding)**

(8) Vehicular access points;

The existing home is served by a private driveway. No changes are needed or proposed. **(Affirmative finding)**

(9) Signs;

No signage is included in this proposal. **(Not applicable)**

(10) Mitigation measures;

The proposed accessory dwelling unit will not produce noise or glare sufficient to warrant mitigation measures. **(Affirmative finding)**

(11) Time limits for construction;

The zoning permit is valid for 2 years; 1 year to start construction and another to finish. No additional time is being sought by the applicant. **(Affirmative finding)**

(12) Hours of operation and construction;

Hours of operation do not apply to the proposed residential use. Given the project location in a residential neighborhood, hours of construction should be limited to Monday – Saturday, 7:00 AM – 6:00 PM. No construction on Sunday. These limitations are consistent with those imposed for other development within residential areas. **(Affirmative finding as conditioned)**

(13) Future enlargement or alterations;

Any future enlargement or alterations will require additional permit review in accordance with the regulations in effect at that time. **(Affirmative finding)**

(14) Performance standards;

See Sec. 5.5.3 for erosion control.

(15) Conditions and safeguards;

As conditioned, the proposed use complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) ~~Waterfront~~ Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. As noted before, accessory dwelling units are allowed in association with single family homes throughout the city. **(Affirmative finding)**

(b) Dimensional Standards & Density

Lot coverage will increase from 25% to 30.1% and will remain below the 35% maximum permissible.

The existing front yard setback will remain unchanged. The minimum required rear yard setback (25% of lot depth) is 32'. As proposed, the addition will be set back 57' from the rear property line. The west side yard setback will remain unchanged. At 15' tall to the midpoint of the rise of the roof, the front half of the addition is subject to a 5' side yard setback. As proposed, the addition will be 5' 3" at its closest point to the eastern property boundary. The rear half of the addition is somewhat taller and is subject to a 10% setback (7' in this case). This portion of the addition is setback 8.5' from the eastern side property line.

As noted above, the front gable-roofed portion of the addition is just 15' tall. The rear shed-roofed portion is 17' tall. The height limit is 35'. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The existing single family home is a permitted use in the RL zone. Accessory dwelling units may be permitted uses as well; however, the new construction proposed tips the application into conditional use review. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

(Not applicable)

2. Height

(Not applicable)

3. Lot Coverage
(Not applicable)

4. Accessory Residential Structures and Uses
(Not applicable)

5. Residential Density
(Not applicable)

6. Uses
(Not applicable)

7. Residential Development Bonuses
(Not applicable)

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation
(Not applicable)

Sec. 5.2.5, Setbacks
See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits
See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations
See Sec. 4.4.5 (b) above.

Sec. 5.4.5, Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants.

As required, there shall be no more than two adult occupants in the accessory unit, and the premises must be owner occupied. **(Affirmative finding as conditioned)**

Additionally, there must be compliance with all the following:

1. *The property has sufficient wastewater capacity as certified by the Department of Public Works;*

The proposed accessory dwelling unit will place minimal demand on the city's wastewater system. Sufficient capacity is available to serve the accessory unit; however, a written capacity letter from the Department of Public Works is needed. **(Affirmative finding as conditioned)**

2. *The unit does not exceed 30 percent of the total gross floor area of the primary dwelling, minus square footage associated with storage or utility spaces and similar un-insulated or uninhabitable areas;*

The proposed accessory dwelling unit is 711 sf. This square footage is 29.9% of the 2,376 sf area of the existing single family home. **(Affirmative finding)**

3. *Applicable setback and lot coverage requirements are met; and,*

As noted previously, the proposed accessory dwelling unit complies with setback and lot coverage requirements. **(Affirmative finding)**

4. *Two additional parking spaces which may be legally allocated to the accessory unit must be in existence and provided for the accessory unit.*

The proposed 2-car garage and existing driveway contain sufficient space for the 4 required parking spaces (2 for the apartment and 2 for the primary dwelling unit). **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

No new outdoor lighting is depicted on the project plans. Presumably, a light fixture will be installed over the new doorway into the apartment. If any outdoor lighting is proposed, it must be depicted on the project plans and fixture cutsheets must be provided. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a "small project erosion control" form is required. The completed form is subject to review and approval by the Stormwater Administrator. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

This property is located in the non-design control RL zone; however, the accessory apartment addition, as a conditional use, also triggers design review under Article 6.

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

Site changes are very minimal and amount to a larger building footprint, a new walkway, and deletion of a front yard parking space. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the building remain largely unchanged as viewed from the street. The proposed footprint is only slightly wider than existing conditions – much of the addition is to the rear. The addition and apartment within are clearly subordinate to the original primary structure. **(Affirmative finding)**

2. Roofs and Rooflines

The front portion of the addition will retain the existing gable roof form. Behind it, the addition will have a shed roof. As viewed from the street, the existing continuity and integrity of the structure will remain. **(Affirmative finding)**

3. Building Openings

Proposed fenestration is basic and matches that in the existing home. **(Affirmative finding)**

(b) Protection of important architectural resources

Neither the subject property nor the neighboring properties contain any buildings of historic significance. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The street edge of the home will remain effectively unchanged. Its primary entrance will continue to be clearly defined and oriented towards the street. **(Affirmative finding)**

(e) Quality of materials

Exterior materials used on the addition appear to match those on the existing home; however, no labeling is provided on the plans. All exterior building materials must be labeled for clarity. Window and door cutsheets have been provided and depict acceptable vinyl or steel units. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed addition must comply with the city's current energy efficiency standards. **(Affirmative finding)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

No building-mounted mechanical equipment is proposed. If separate utility meters are installed for the apartment, they must be depicted on revised plans and screened. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The proposed apartment must comply with the city's current egress requirements. (**Affirmative finding as conditioned**)

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The accessory dwelling unit requires 2 parking spaces. The proposed 2-car garage and driveway are of adequate dimensions to contain the required parking. (**Affirmative finding**)

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
 - a. New outdoor lighting fixture locations and cutsheets (if proposed);
 - b. All exterior building materials; and,
 - c. Utility meter location and screening (if proposed).
2. **Prior to release of the zoning permit**, the applicant shall obtain a written wastewater capacity letter from the Department of Public Works.
3. **EPSC Pre-release Condition:** Prior to release of the zoning permit, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
4. Hours of construction shall be limited to Monday – Saturday, 7:00 AM – 6:00 PM. No construction on Sunday.
5. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
6. The subject premises shall be owner occupied. A deed or instrument for the property shall be entered into the land records within 90 days of approval containing a reference to the permit granting the accessory unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy.
7. The accessory unit shall not be occupied by more than two adult residents. The principal unit shall comply with the functional family restrictions with no more than four unrelated occupants in the unit.
8. Any new utility lines serving the accessory dwelling unit shall be buried.
9. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
10. A State of Vermont wastewater permit is required for the new accessory dwelling unit.
11. Standard permit conditions 1-15.

2 Lon Lrr

Burlington, VT, 05408



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MAR 20 2013

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PLANNING & ZONING

2 Dot Ln.
Burlington, VT, 05408



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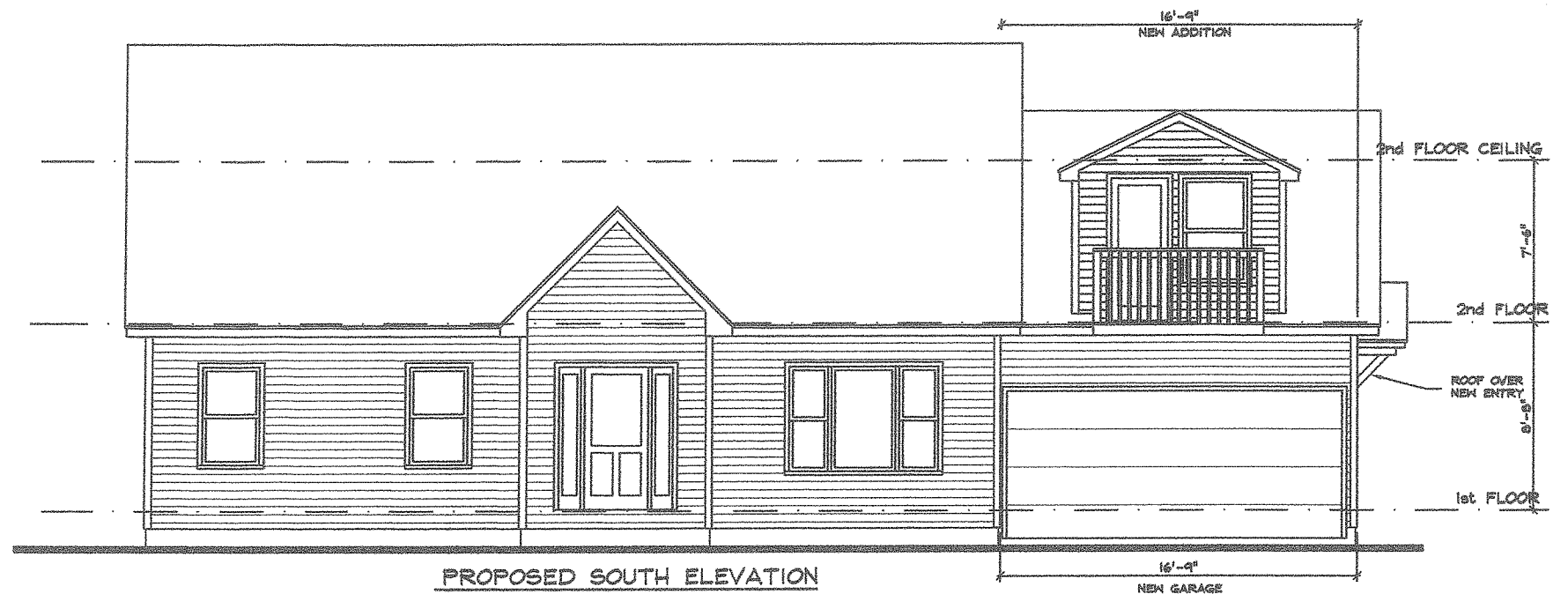
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Burlington, VT, 05408



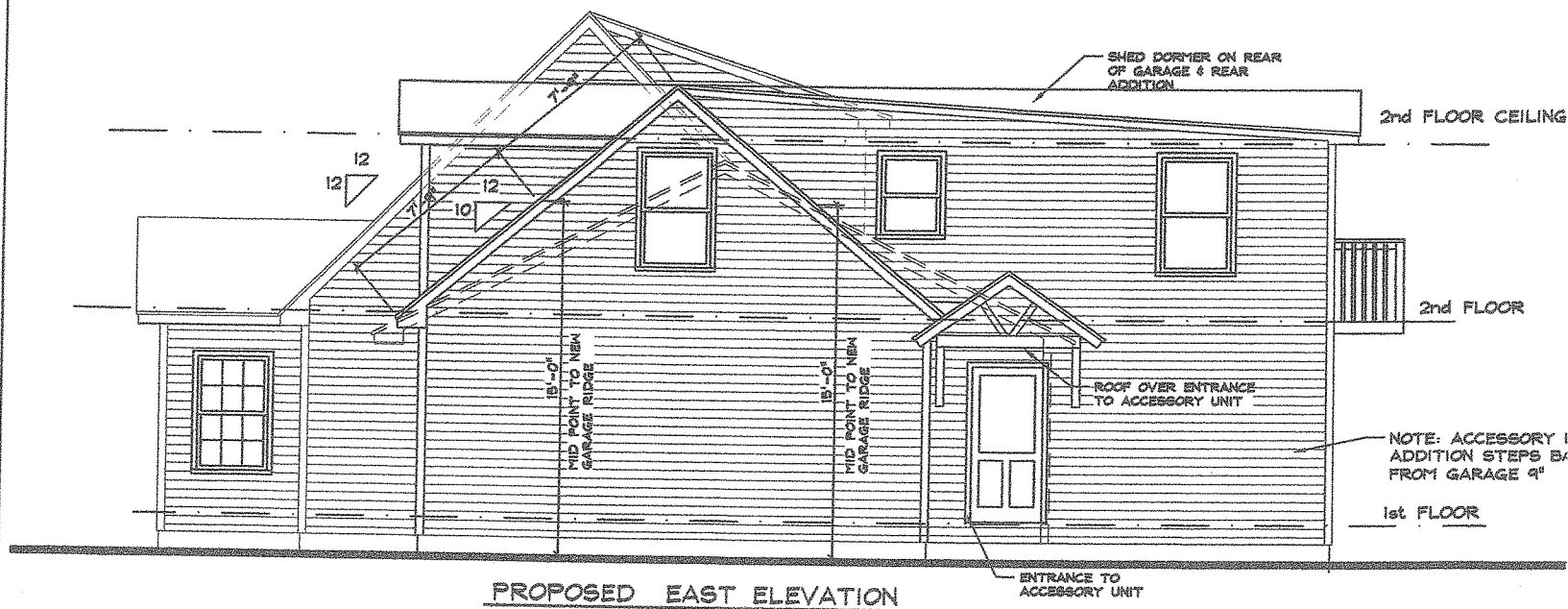
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DESIGN DRAWINGS
NOT FOR
CONSTRUCTION
2/13/12

STEVE GUILD DESIGN, LLC
ONE STEELE STREET, BURLINGTON, VT 05401
PHONE: 802-363-1482 EMAIL: steve@steveguilddesign.com

POBRIC RESIDENCE
RENOVATION/ADDITION TO EXISTING HOUSE
2 LORIE LANE BURLINGTON, VERMONT

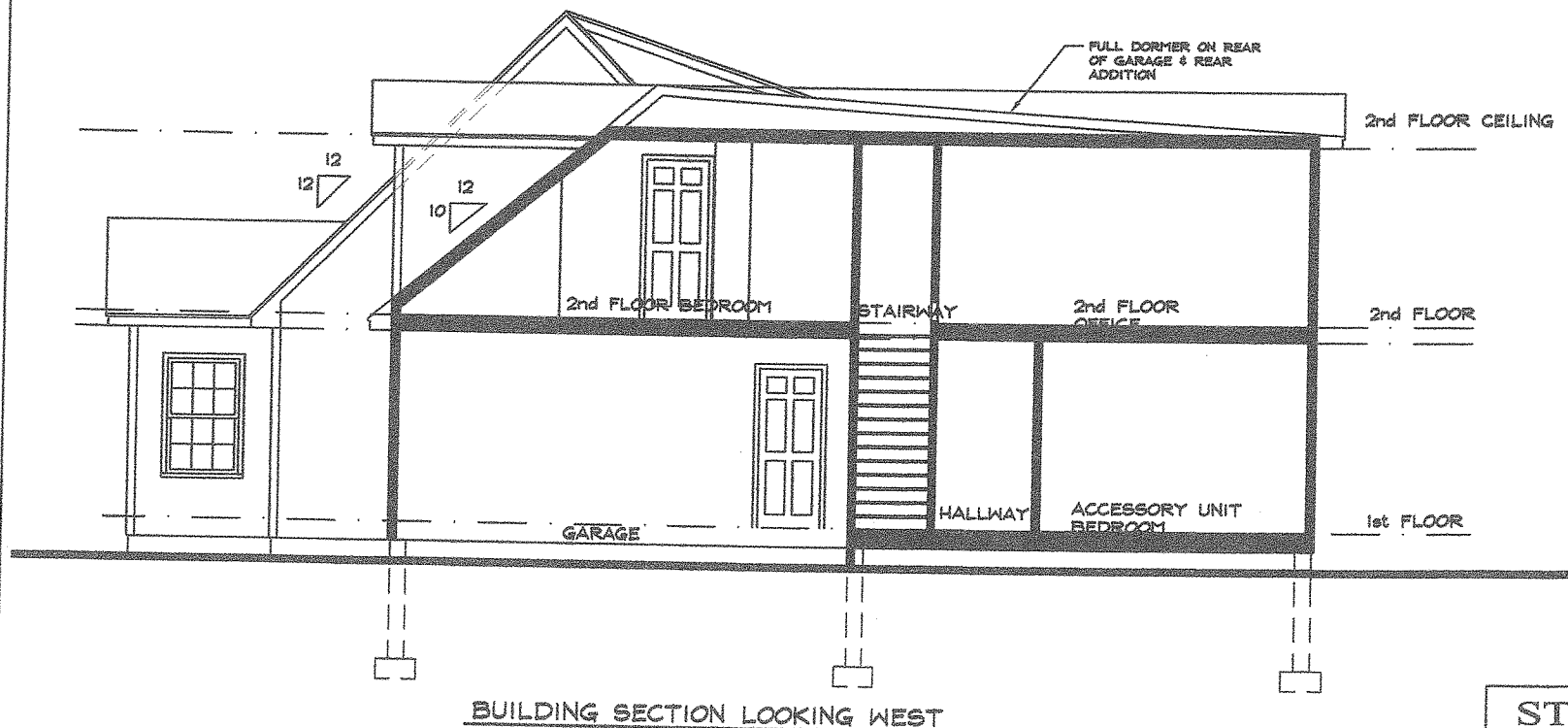
SHEET TITLE:
**PROPOSED EXTERIOR
ELEVATIONS**
SCALE: 1/8" = 1'-0"

DRAWING NO.
A4



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BUILDING SECTION LOOKING WEST

DESIGN DRAWINGS
NOT FOR
CONSTRUCTION
2/13/13

STEVE GUILD DESIGN, LLC

ONE STEELE STREET, BURLINGTON, VT 05401

PHONE: 802-363-1482

EMAIL: steve@stevegulldesign.com

POBRIC RESIDENCE

RENOVATION/ADDITION TO EXISTING HOUSE
2 LORIE LANE BURLINGTON, VERMONT

SHEET TITLE:
**PROPOSED EXTERIOR
ELEVATIONS**

SCALE: 1/8" = 1'-0"

DRAWING NO.

A5

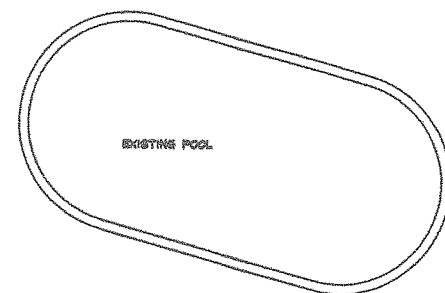
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MAR 20 2013

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PLANNING & ZONING

ACCESSORY DWELLING, SCHEME #7
UNIT, 711 SF

ALLOWABLE- 2,376 SF (30%)
= 718 SF



EXISTING SITE INFORMATION, RL ZONE
LOT SIZE----- 10,890 SF
EXISTING BUILDING AREA ---- 1,902 SF
EXISTING PARKING & WALKS -- 604 SF
DECK ----- 302 SF

EXISTING TOTAL COVERAGE --- 2,798 SF 25%

PROPOSED SITE COVERAGE CHANGES, RL ZONE
LOT SIZE----- 10,890 SF
EXISTING BUILDING AREA ---- 1,902 SF
BUILDING ADDITION ----- 279 SF
EXISTING PARKING & WALKS ---- 604 SF
ADDITIONAL WALKWAY & PATIO -- 210 SF
DECK & STG SHED ----- 382 SF
ELIMINATED PARKING ----- <90> SF

NEW TOTAL COVERAGE ----- 3,287 SF 30.1%
MAXIMUM COVERAGE ALLOWED IN RL ZONE- 35%

PROPOSED 1st FLOOR PLAN

279 SF 1st FLOOR ADDITION
FOR ACCESSORY DWELLING

WALL KEY

EXISTING WALL
NEW WALL
DEMOLISHED WALL

DESIGN DRAWINGS
NOT FOR
CONSTRUCTION
2/13/13

STEVE GUILD DESIGN, LLC

ONE STEELE STREET, BURLINGTON, VT 05401

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POBRIC RESIDENCE

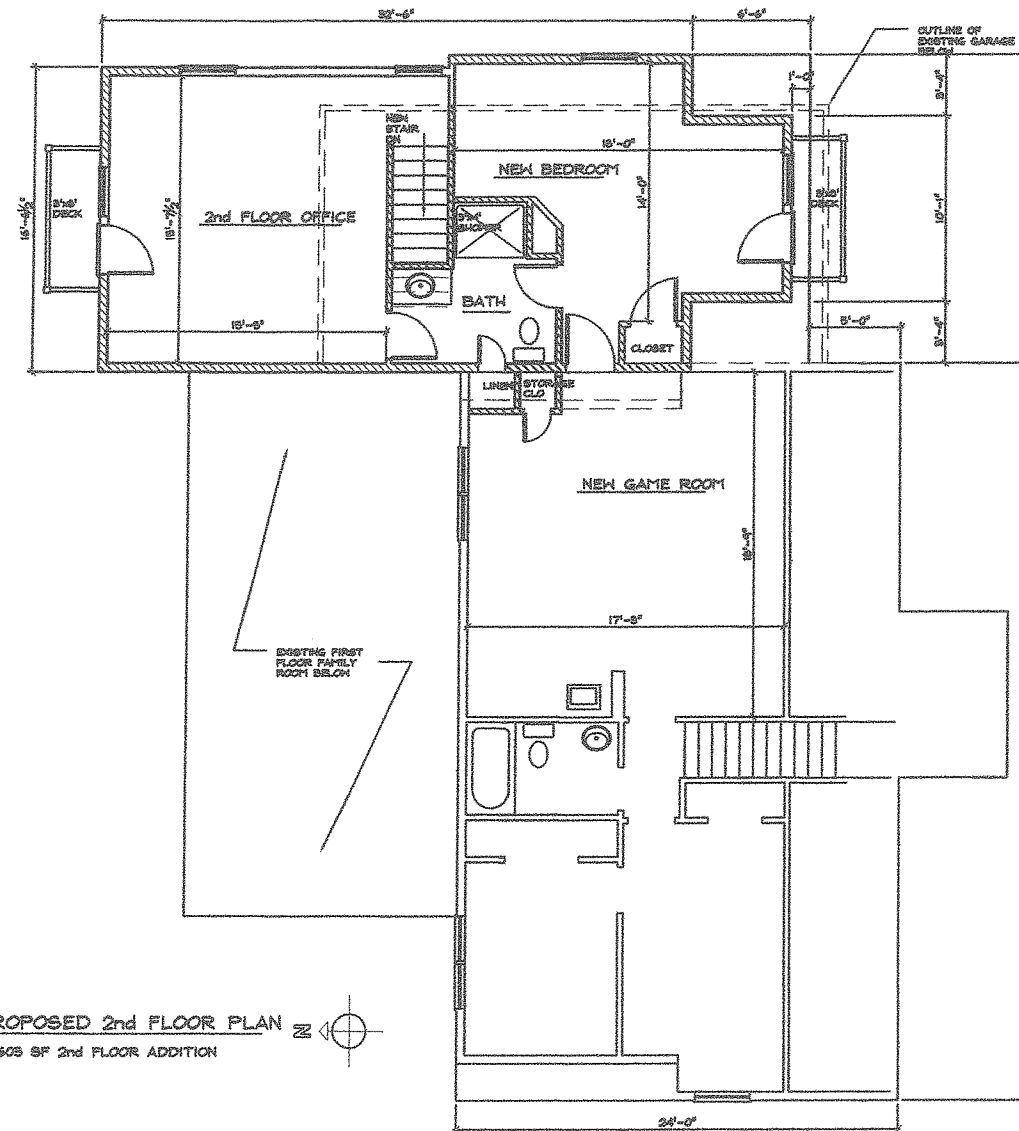
RENOVATION/ADDITION TO EXISTING HOUSE
2 LORIE LANE BURLINGTON, VERMONT

SHEET TITLE:

PROPOSED 1ST
FLOOR PLAN
SCALE: 3/32" = 1'-0"

DRAWING NO.

A2



PROPOSED 2nd FLOOR PLAN
603 SF 2nd FLOOR ADDITION

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DESIGN DRAWINGS
NOT FOR
CONSTRUCTION
2/13/13

STEVE GUILD DESIGN, LLC

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POBRIC RESIDENCE

RENOVATION/ADDITION TO EXISTING HOUSE
2 LORIE LANE BURLINGTON, VERMONT

SHEET TITLE:

PROPOSED 2nd
FLOOR PLAN

SCALE: 3/32" = 1'-0"

DRAWING NO.

A3